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### The Ohio Statesman GAILY, TRI-WERKLY AND WERKLY

MANYPENNY & MILLER. PUBLISHERS AND PROPRIETORS.

Comes Was. 35, 38 and 40, Worth High St THRMS INVABIABLY IN ADVANCE

By the Carrier, per week, 1816 sents.

(cokly 300 per year.

orms of Advertising by the Square.

Simplayed advertisements half more than the bove Advartisements leaded and placed in the column of special Notices," double the ordinary rates.

All notices required to be published by law, legal rates if ordered on the inside exclusively after the first week per cent, more than the above rates; but all such will spear in the Tri-Weekly without charge.

Business Cards, not exceeding five lines, per year, in ide, \$2.50 per line; outside \$2.

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All price.

All branejant adcertisements must be paid for the selection. The rule will not be varied from.

Weekly, same price as the Dally, where the advertiser as the Weekly alone. Where he Dally and Weekly re both used, then the charge for the Weekly will be alf the rates of the Dally.

We advertisement taken except for a definite period.

BROOKS, STEARNS & CO., THE HELL WHOLESALE & RETAIL DEALERS IN

Fine & Staple Groceries, Foreign and Domestic Fruits. CHOICE FAMILY FLOUR

Pure Wines and Liquors FOR MEDICINAL PURPOSES.

Country Produce taken in exchange for Goods.

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All goods delivered free of charge to any part of the

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D. W. Corwin, late King, Corwin & Co. Clark, West & Co., 131 and 123 Duane St., N. Y. Samuel S. Bowman & Co., 17 John St., N. Y. Wm. H. Powell, Esq., No. 45 East 22d St., N. Y.

### IT IS A FIXED FACT! CONSUMPTION Can be Cured.

BIR JAMES CLARK, Physician to Queen Victoria, and one of the most learned and skillful men of the age, in his Treatise on Consumption, says: "That Palmonney Consumption admits of a cure, is no longer a matter of doubt; is has been cleary demonstrated by the researches of Lesance and other modern pathologists." Dr Carawell, who investigated such matters as thoroughly as any other man, says:

"Pathological Anatomy has, perhaps never afforded more conclusive evidence in proof of the curability of a disease than it has in that of tubercular phthisis (pulmonary consumption).

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These statements are made by men who have demonstrated what they say time after time, in the crowded hospital and the truth-telling dissecting room. They are from men who could have no possible motive for publishing what is untrue, or embiasoning falschoods THE REMEDY WHICH WE OFFER,

Dr. Wistar's Balsam of Wild Cherry Has cured hundreds of cases of

: :: nsumption of the Lungs, Liver Complainte, Live Loughs, Brouchitis, Colds, Asthma, Croup, Whooping Cough, Influenza, etc. Many of them after Every Known Rem-

Do not procrastinate, but make use of Wistar's Balsam, and live healthy and happy. Sold by JOHN D. PARK, Northeast corner of Fourth and Walnut streets, Cinc

## POWERS'S HOTEL

Doc. 21-dlm&wlt.

(FORMERLY BARLE'S,)

Nos. 17 and 19 Park Row, Opposite the Aster House and Park, New York.
Price of Board \$1 50 per Day. 355

THIS LONG ESTABLISHED AND popular House had recently been rebuilt and greatly anaryed by the addition of over 100 rooms, and now has accommodations for over 300 persons. It has also been thoroughly ventilated, and is

HEATED BY STEAM LIGHTED WITH GAS THROUGHOUT.

This Retai has one of the best locations in the City is of one some from all the steamboats and Ralipeads is single, to the City, and is convenient to all the City conveyances. It has now all the conveniences of a FIRST CLASS HOTEL,

Insuring the comfort of its inmater.

The patronage of the traveling public is respectfull:

JOHN L. GREEN

ATTORNEY AT LAW -BOXXXX -OFFICER IS HAGTS AN No: 1 Odeon Building:

MADE in the best style and of superior materials. Gents' Paper and Three Piy Linen Collars, in al

BAIN do SON, No. 23 to 29 South High Street.

### Imperial Shirts.

A SUPPLY of these celebrated and superior fitting Shirts constantly on hand. Also, Boys' Shirts No. 23 and 29 South High street

# Hoop Skirts,

O F best quality for Ladies, Misses and Children.
Hoop Skirts for tall Ladies.
Hoop Skirts for Short Ladies.
Quaker Gore Hoop Skirts.
Balmoral Hoop Skirts, etc. etc.
The most extensive assortment of superior Skirts in the city, and at very low prices.

No. 23 and 29 South High street.

N UBIAS, Hoods, Mittans, Scarfs, Hair Nets, Quilted Rithons, Zephyr Worsteds, Balmoral Skirts. BAIN & SON, No. 23 and 29 South High street.

PRENCH WOVEN AND MECHANIC BAIN & SON.

GENTS' DOUBLE HREASTED ME. BLACK THREAD LACE BARBES BAIN & BON.

Columbus Wholesale Liquor Store.

#### LACELLE ROSS & CO., COMMISSION MERCHANTS

IMPORTERS AND DEALERS IN

Foreign and Domestic Wines, Brandies,

OLD RYE, MONONGAHELA & BOURBON

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# Ladies' Fancy Furs.

Sable Sets, Ermine Sets, Mink Sets,

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Mufflers, etc.

Ladies' Fur and Fur Trimmed Hoods.

SLEIGH ROBES

WANTED,

Shipping Fars, for which the highest price in Cash will be pall, at

J. H. SMITH'S HAT STORE,

New Neil House Building,

COLUMBUS, OHIO.

# The Great Rebellion.

EXPERIENCED AGENTS ARE WANTED BY

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HISTORY OF THE CIVIL WAR -IN-

AMERICA.

trated on steel. This will be THE History.

Send for a Circular, or make application for territor LEDVARD BILL. Claveland, Ohlo

COAL OIL! COAL OIL!

FOR SALE AT REFUNERS' PRICES

W. H. RESTIEAUX 105 South High Street

AMERICAN HOTEL OPPOSITE STATE HOUSE,

COLUMBUS, OHIO.

THIS OLD RETABLISHED AND WELL KNOWN House, during the past season has been thoroughly renovated, repainted and refurnished in a style both comfortable and elegant, so that we feel wall assured that those who favor us with a call will find all the comforts and conveniences usual in first class Hotels.

WARDEN & EMERY, PROPRIETORS.

NEIL HOUSE Opened Sept. 16th, 1862.

IMMEDIATELY. Opposite Capitol Building, High Street, Columbus, Ohio. Is Now Ready for the Reception of

WALSTEIN FAILING, PROPRIETOR JOS. P. OULBERTSON, ASSETANT.

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> Attorneys & Counselors at Law Office, No. 11 Masonic Building,

> > Cincinnati, Ohio.

Practice in the State Courts; and also in the Unit ed States District, Circuit and Supreme Courts.

### V. R. GLAZIER, Agent, AUCTIONEER.

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COMMISSION ROOMS.

No. 134 South Fourth Street, Opposite the Market House.

inds of property.

Old and new Furniture BOUGHT AND SOLD.

Particular attention given to the sale of Horses and agons and Carriages, and Household and Kitchen Sales in the country promptly attended to

# W. R. KENT. AUCTIONEER.

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COMMISSION ROOMS No: 102 South High Street.

AM NOW PREPARED TO Receive

as bry woods, theories, Laquors, Farnitare, Oas risges.

I also intend to devote my attention to saiss of Rea.
Estate and Personal Property, at any point, within twenty miles of the City.

II.F. Auction Bales every evening.

Consignments respectfully solicited.

I have a large room over my sales room, for storage-

REFERENCES :

J. & T. B. Miller. Stone & Lewis, John Geary & Son Glenn & Thrail. Kelton, Bancroft & Co., D. T. Woodbury & Co., Butler, Brother & Co., W. H. Restleaux,

DENNISON HOUSE

Fifth St., between Main and Sycamore, CINCINNATI, OHIO.

OORBIN GALLEHER. | ......Proprietors.

THIS HOTEL HAS BEEN REPAIR-ED and refitted throughout, and is now open to the public. The proprietors, recently of the Goddard House, Mayeville, Ky., solicit the patronage of the traveling community. No pains will be spared to give satisfaction to the guests of the House.

### MERCHANT TAILORING ESTABLISHMENT, NEIL HOUSE,

OPPOSITE THE STATE CAPITOL,)

MARCUS CHILDS, Proprietor. PHIS LARGE AND MAGNIFICENT West, and has just been filled with a large and wall se-iected stock of

WINTER GOODS. which will be found to excel anything ever before offered in this market. In the Custom Department I employ none but the best Cutters and Workmen, and it orders will be speedily filled, and

Warranted to Fit and be Well Made, MILITARY GENTLEMEN

Will find at this Establishment all the necessaries required for a complete outfit, and my facilities and prices are such that I can defy competition in this line. READY MADE CLOTHING

GENTS' FURNISHING GOODS, Will be found in great variety, having the largest stock of this kind ever brought to this city, all of which I in-vite the public to call and examine before purchasing

My Store is opposite the Capitol, in the New Neil House Building, and is one of the finest Store Rooms in the country. A visit to it will repay any one for the

## BENNO SPEYER'S BANKING HOUSE,

Commission, Forwarding and Notarial Office;

GENERAL PASSENGER AGENCY

EAST AND WEST.

Nos. 7 & 9 West Third St., (Corner Main),

Cincinnati, Ohio. FRENCH'S HOTEL,

On the European Plan, CITY OF NEW YORK. Single Rooms Fifty Cents per Day.

City Hall Square, corner Frankfort St., (OPPOSITE CITT HALL.) Meals as they may be ordered in the spacious refectory. There is a Barber's Shop and Bath Rooms attached to the Hotel.

Beware of RUNNERS and HACKMEN who say we are full. R. PRENCH, Proprieter.

Feb. 27, 1863-41y PURE WINES. PURE BRANDIES

> PURE WHISKIES. For medicinal purposes, for sale by WM. H. BESTIRAUX.

SPEECH OF HON. MILTON SAYLER.

OF HAMILTON COUNTY.

Delivered in the Ohio House of Representatives, January 29th and 30th, on the Right of Personal Liberty - Mr. Drevel's Resolutions as to Arbitrary Arrests being under considera-

Ma. SAYLER BAId:

MR. SPEARER: The wide range which this lebate has assumed, has almost caused us to lose sight of the questions properly involved. For prudential reasons it is perhaps well enough that the resolutions of the honorable member from Franklin (Mr. Dresel) have afforded an occasion to certain gentlemen for giv-ing vent to smoldering campaign speeches, whose suppressed burning and smoking might else template: It is well enough, too, that this House and "the rest of mankind," have thus been enlightened by their views of the object and purpose of the war, of the mode of its successful prosecution, of the great and crying sin of slavery, of its abolition by executive proclamation, and of the nature and character of the coming year of Jubilee. All this, eir, is well enough, but none of all this is involved in the subject matter properly before the House or discussion. Nor is it necessary in this debate to recort to questions foreign to the reso-lutions. The issues directly involved are broad enough, embracing, as they do, the great ab-solute right of personal Liberty to the Ameri-can people. Incorpose therefore in what I shall be able to record the same when the people of this country should thoroughly understand those bate to resort to questions foreign to the resocan people. I propose therefore in what I shall say to confine my remarks to the two-fold right asserted by the President and Impliedly denied by the resolutions, the right, first, to arrest without process of law, and, second, to detain without benefit of habeas corpus, free citizens of the State of Ohio not connected with the military service of the country. In doing this desire to appeal neither to the pissions and prejudices of men nor to their partisan feelings, but alone to their sober judgment in the light of history and of the hitherto uniform interpretation of our constitutional law.

It appears, in the course of this discussion, as a matter of fact admitted upon all hands, that eleven free citizens of the State of Ohio not connected with "the land or naval forces, or in the militia in actual service," have been "seized" without "warrant," "held" without "pro sentment or indictment" and denied "the right to a speedy and public trial by an impartial jury of the State;" and that they have not been "in formed of the nature and cause of the accusanor "confronted with the witnesses against them." And it further appears that three of the eleven have been "transported out of the State" for a supposed "offense committed

within the same," and imprisoned elsewhere. These extraordinary proceedings, so contrary to all our preconceived ideas of the rights of the citizen and so utterly at variance with all previous practice in this country, are tounded on a supposed power resident in the Chief Executive of the nation, a power which the present incumbent of that office himself distinctly claims, and which is now asserted and defended, and the exercise of which is justified by the Republican leaders upon the floor of this House In his message of July 4, 1861, the President

of the United States claims for himself and for those whom he may see fit to invest with the same authority, the right, "according to his discretion to suspend the privilege of the writ of habeas corpus, or, in other words, to arrest and detain, without resort to the ord nary pro cesees and forms of law, such individuals as he might deem dangerous to the public safety."-This power he had previously exercised, and this power he continued to exercise to some extent, though it did not find its complete and fi nal assertion until the issue of the proclama-tion of September 24, 1862. This most remarke Executive Document orders:

This proclamation and the orders of the Sec retary of War promulgated two days thereafter, to carry out its purposes, providing for the appointment of a Provost Marshal General, whose headquarters shall be at Washington, and of Special Provost Marshals for each State, and defining their duties, not only suspend the privilege of the writ of Habeas Corpus, but trample upon the provisions of our State Con-stitutions, annul the laws of the States, create and define new and hitherto unknown offenses. dispense with the forms and processes of the Judiciary, erect in their stead military commis ions appointed and paid by the President. clothed with power to arrest and imprison or otherwise punish at their discretion the citizen for such acts committed or omitted, as the Chief Executive may be pleased to call offenses, establish a system of espionage throughout the United States, and thus place every citizen under the immediate military command and control of the President, and the liberties of every

take them away.

This unsurpassed body of tyranny may seem chy and confusion. It was at Runnymede on harmless or trifling to those who enforce it and the 15th day of June, 1215, that the nation's to their friends and supporters, but not so, sir, to liberties received their first definite recognitio Bremen, Hamburg and Havre

Steamers;

AND ALSO

RAILROAD TICKET AGENCY,

EAST AND WEST.

to their friends and supporters, but not so, sir, to those who are of may be its victims. Nor is it satisfactory that we have been assured by the applogists of arbitrary power upon this floor that the Barons had become worse Normans and the arrests have ceased, the occasion for them having passed away. I could wish for the honor of my country that they had ceased, but the facts are otherwise. And even if they had, it is not this or that particular application of power of which a free people should be jealous, but the existence of the power itself and the uses of which it is susceptible. The proclamation to-day stands unrevoked, the orders under which its provisions are to be effected stand unrevoked.

Nulling liber bome capitur, vel imprisonetar, sur which its provisions are to be effected stand uncancelled, and thus this assumed authority on the part of the President with the means of carrying it into execution, hange to day over the heads of the heretofore free citizens of the State of Ohio and of the other States of the

> Certainly so extraordinary power, over riding as it does all the liberties hitherto guaranteed to the citizen, must have some firm basis, and could not have been assumed by the President except for very grave reasons, and upon as-surance made doubly sure that he was entitled to its exercise. He shall speak for himself. In his message, referred to before, to the extra sension of Congress, he thus announces his rea-sons and argues his right:

of course some consideration was given to the question of power and propriety, lefore this matter was acted upon. The whole of the laws which were required to be faithfully executed, were being resisted and failing of execution in nearly one third of the States. Must they be allowed to finally fail of execution, even had it been perfectly clear that by the use of means necessary to their execution, some single law, made in such extremas to deerness of the citizen's liberty, that practically it relieves more of the guilty than of the innocent, should to a very limited extent, be violated? To state the question more directly, are all the laws build one to go unexecuted, and the Government fiself go to pleose lest that one be violated? Even in such a case, would not the official cath be broken if the Government should be overthrown, when it was believed that disregarding the single law would tend to preserve hi? But it was not believed that this question was presented. If was not believed that this question was presented. It was not believed that this question was presented. It was not believed that this question was presented. It was not believed that this question was presented. It was not believed that this question was presented. It was not believed that this question was presented. It was not believed that this question was presented. It was not believed that this question was presented. It was not believed that this question was presented. It was not believed that this question was presented. It was not believed that this question was presented under the provision of the Gonstitution, that the privilege of the writ of Adoles corpus shall not be suspended un-

Now, I will do the President the justice to say that in these few words he has suggested every argument and assigned every reason for his action that his apologists in this House have been able to suggest or assign, and I will do them the justice to say that no one of them has suggested weaker arguments or assigned less satisfactory reasons. Analyzing the arguments of the President and the arguments that have been made in his behalf in the course of this discussion, they are found to be two-fold, one class asserting that he is possessed of this power under the Constitution and by virtue of its provisions, and another that he is possess t by virtue of an anthority inhorent in him as Chief Executive of the nation and commander of its military forces, which overrides all Constitutions and all laws, and is based upon the necessities of the people and the safety of the nation-a revival of the Roman maxim, Salus populi, suprema lex.

great principles of civil liberty of which noble men have dreamed in all ages, and which have been transmitted to us as our common birthright by the self-devoted efforts and struggles, at the cost of the blood and treasure of Saxon ancestors through a period of a thousand years. There are three great absolute rights of man,

the right to life, to liberty, and to property. These belong to man as man, and not by virtue of laws or political institutions. It is the image in which God created him. The charter on which they depend was drawn from the ekies and bears the signet and stamp of Heaven .-Any encroachment upon these rights, except by the consent of the people, is tyranny, and it is against such encroachment that those who would be free have struggled in all ages. preserve and maintain these rights is the primary end of human laws, and constitutes the great purpose for which Governments have been instituted among men. Life, liberty, property, these three, but the greatest of these is liberty. To a race of noble men property has no value without freedom, and life is too dear

when purchased at the price of slavery. What, then, constitutes this great right of personal liberty to the individual? I quote the definition of the illustrious and learned commentator of English law. It consists, says Brackstone, "in the power of locomotion, of changing situation, or removing one's person to whatsoever place one's own inclination may direct; without imprisonment or restraint, unless by due course of laie." Further on in the

same connection, he says: Of great importance to the public is the preservation of this personal liberty; for if once it were left in the power of any, the highest magistrate to imprison arbitraassever he or his officers thought proper, there on be an end of all other rights and immunities. would soon be an end of a locally right said immunities. Some have thought that unjust attacks, even upon life or property, at the arbitrary will of the magistrate, are less dangerous to the cammonwealth than such as are made upon the personal liberty of the subject. To be reave a man of life, or by violence to confiscate his estated by the confiscate his estate to the confiscate his estate his est reave a man of life, or or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole kingdom; but confinement of the person, by scoretly burrying him to goal, where his unferings are unknown or forgottos, is a less public, a less striking, and therefore a more ngerous engine of arbitrary government.

shie Executive Document orders:

First. That during the existing insurrection and as a necessary measure for suppressing the same, all rebels and insurgents, their aiders and abstrors within the United States, and all persons discouraging volunteer calist ments, resisting militia drafts or guilty of any disloyal practice, or offering aid and comfort to the rebels against the authority of the United States, shall be subject to Martial Law, and liable to trial and punishment by Courtmartial or Military Commission.

Bucord. That the writ of Habeas Corpus is snapsuded in respect to all persons arrested, or who are now, or hereafter, during the rebellion, shall be imprisoned in any Fort, Camp. Arsenal, Military Prison, or other place of confinement, by any military authority, or by the sentence of any Court Martial or Military Commission.

State is in real danger, it may be necessary to abridge the rights and immunities of the citizen, and it or estrain to a certain extent his personal liberty. This has been done under such circumstances in all free governments, and may be done in our own. I admit, too, that our Government to-day is in great peril, and that our national life is at stake. But I affirm in opposition to the arguments and assumptions of the President, and in opposition to the arguments and assumptions of his apoligists here, that the power thus to shridge the rights and immunities of the citizen is vested exclusively in the Lagrand. State is in real danger, it may be necessary to the Government either of the United States or of the State of Ohio, and that even Congress or the Legislature can exercise this power on-ly within definite and well-understood limita-tions and restrictions. And this first proposition I propose to establish by the history of the right and the doctrine concerning it in England, whence we have derived it, by the express words and the context of our Federal Constitu-

tion, and by the hitherto uniform decisions of our Courts of Justice. The right of personal liberty is an ancient one, and bears the honors of many a century It dwelt with the Greeks in the days of their glory, and with the Romans when they were free and pure. In turn they were enslaved, and rude Saxon ancestors who had made their way into Britain. It is the proud boast of English

Nullus liber homo capiatur, vel imprisonetur, Natins in the food capacity, and imprisonatile, and disselsatur de libert tenements one vei libertations vei liberts consuctudinibus suis, ant atlagefur, aut exulet, aut sliquo modo destruatur, nec super cum libinus, nec super cum mittemus, nisi per legale judicium parium suorum, vei per legem terre. Natili vendemus, natili negabimus, aut differemus, rectum vei justifiam.

(No freeman shall be arrested or imprisoned. or deprived of his own free household, or of his iberties, or of his own free customs, or outlawed, or banished, or injured in any manner, nor will we pass sentence upon him, nor send trial upon him, unless by the legal judgment of his peers, or by the law of the land. To no one will we sell,

by the lase of the land. To no one will be deny, or delay, right or justice.)

Magna Charta is the great fact of English history. It is the pure fountain whence the streams have flowed, by which so many generates an earn have been gladdened and biessed.

less when, in cases of rebellion or invasion, the public safety may require it, is equivalent to a provision—is a provision—that such privilege may be suspended when, is cases of rebellion or invasion, the public safety does require it. It was decided that we have a case of rebellion, and that the public safety does require the qualified suspension of the privilege of the writ, which was authorized to be made. Now it is insisted that Congress, and not the Executive, is vested with that power. But the Constitution itself is silent as to which or who is to exercise the power; and as the provision was planily careful the provision was planily careful the provision was planily careful the framers of the instrument intended that in every case the danger should run its course until Congress could be called together; the very assembling of which might be prevented, as was intended in this case, by the rebellion.

Now I will do the President the instruct to course of particular scenarior will be effaced.—(Middle Ages, Chap viii; part 2.)

Ages, Chap viii; part 9.) To establish and confirm the rights set forth in King John's Charter, cost, on the part of our English fathers, an almost continuous strug-gle from that period until the Revolution of 1683. Magna Charta was indeed always considered fundamental law, but the frequent encroachments made upon it by reigning mon-archs rendered it necessary that it should oftentimes be confirmed. This was done frequently during the reign of the next Henry, and Sir Edward Coke reckons thirty-two instances in which it was solemnly ratified during the cen tury that elapsed between the first Edward and leary the Fourth

Two centuries later came the reign Charles I. An illustrious trial was now to be held between Kingly perogative on the one hand and legal government on the other Greater encroachments were to be made on the iberties of the people, and in turn those liberlies were to be more firmly established and more widely extended. Charles revived enor-mities which his father had not dared to practice. He violated the essential clauses of Magna Charta, as well as many subsequent laws made in accordance with those clauses and defending the rights and liberties of the subject. In the list of the grievances recited by our English fathers these are prominent: "Illegal exactions," "arbritary commitments." "quar-tering of soldiers or sailor," and "infliction of punishment by martial law." Against such encroachment on their ancient liberties guar ranteed to them in the Great Charter four cen turies before, they determined to provide an eternal remedy. That remedy they called the Petition of Right, and it constitutes the second great charter of English liberty. In it they pray the King.

That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament; and the none be called to answer or take such oath, or to give attendance, or to be confined or otherwise molested or attendance, or to be confined or otherwise molested or disquieted concerning the same, or for refusal thereof, and that no freeman in any such manner as is before mentioned be imprisoned or detained; and that your majesty would be pleased to remove the said soldiers and marines, and that your people may not be so but thened in time to come; and that the aforesaid commis-sions for proceeding by martial law may be recoked and annualled; and that hereafter no commissions of the like nature may have been because or per-The like nature may issue forth to any person or persons whatever to be executed as aforesaid, lest by color of them any of your majesty's subjects be destroyed or put to death contrary to the law and franchists of the land,"

This petition of right was ratified by Charles o the most solemn manner in the third year of his reign, whereby, says Macaulay (History of England, Vol. 1, Chap. 1):

He bound himself never again to raise money without the consent of both Houses, never again to imprison any person, except in due course of law, and never again to subject his people to the jurisdiction of course

In the sixteenth year of the reign of the same Charles the court of Star chamber was also abolished to the general joy of the whole astion. This was a very ancient court with an original limited jurisdiction, but long before the days of Charles had become an instrument of fearful oppression to the people of England, and that too in a manner strikingly analogous to the oppressions of those who administer our own government to day. Its original legal jurisdiction was stretched, as Lord Clarendon tells ns (Hist. of Reb., Book 1 and 3):

Now, I am ready to admit, sir, that in times of great peril to the commonwealth, when the state; to the vindicating of illegal commissions, and grants of monopolies; holding for honorable that which pleased, and for just that which profited, and becoming both a court of law to determine civil rights, and a court of revenue to enrich the treasury; the council lable by proclamation enjoining to the people that which was not enjoined by the laws and prohibiting that which was not prohibited; and the star-chamber, which consisted of the same persons in different rooms, consuring the breach and disobedience to those proclamations by very great fines, imprisonments, and corporal severities; so that any direspect to any site of State or to the persons of statesmen, was in no time more penal, and the foundations of right never more in danger to be desireyed.

These two illustrious grants to civil liberty, to wit: The enactment of the Petition of Right and the abolishment of the Court of Starchamber, belong, indeed, sir, to the reign of Charles I., but the heart of Charles went not with his grants. He was faithless and insincere, The eight remaining years of his life were spent in a struggle with the people against the very grants of liberty he himself had made. That struggle was fatal, as such struggles must ever be; and in 1649, the reign of this over-reaching and misguided King, went down in

darkness and blood.

The next great step in the establishment of the right of personal liberty to our Saxon fathers, was taken in the nineteenth year after the restoration of Charles II. to the throne of England. It is certainly not unworthy of men-tion, sir, that during this reign the slavish tenures introduced by William the Norman, with their lost liberties became the portion of our all their oppressive appendages, were removed rude Saxon ancestors who had made their way from incumbering the estates of the subject; but that which particularly concerns us now, is jurists that the three great absolute rights of the additional security of the person of the subthe individual, constituting their liberties, are coeval with their form of government. From the beginning of the fifth to the beginning of Blackstone, "only, in general terms, declared vesugation, at the mercy of irresponsible agents, who may be instigated by political prejudice, personal malignity, or by the mercy wantonness of unneural and arbitrary power, to take them away.

This unsurpassed body of transponsible the beginning of the fifth to the beginning of the beginning though committed even by the king in council, as to punish all those who shall thus unconstitutionally misuse him." This act is indeed the great bulwark of the English Constitution, the great bulwark of the English Constitution, and is scarcely less beneficial than the charter of Runnymede, and yet, sir, it only reaffirmed and made effectual to the people, a right fully recognized and established long before. On this point, I again introduce the testimony of Hallam:

Hallam:

It is a very common mistake, he says, and that not only smong foreigners, but many from whom some knowlege of our Constitutional laws might be expected, to suppose that this statute of Charles II. enlarged in a great degree our liberties, and forms a sort of epoch in their history. But though a very beneficial enactment, and eminoutly remedial in many cases of illegal imprisonment, it introduced no new principle, nor conferred any right upon the subject. From the earliest records of the English law, no freeman could be detained in prison except upon a criminal charge, or conviction, or for a civil debt. In the formse case, it was always in his power to demand of the Court of King's Sench a writ of habens corpus and subjectedum directed to the person detaining him in custedy, by which he was enjoined to bring up the body of the prisoner with the warrant of commitment, that the Court might judge of its sufficiency, and remand the party, admit him to bail, or discharge him, according to the nature of the charge. This world issued of right and sould not be requested by the Court. It was not to bestow an immunity from arbitraty imprisonment, which is abundantly provided in Mag no Charts, if indeed it were not much more ancion, that the statute of Charles II. was enacted, but to our off the abuses by which the Government's feat of ponter, and the service subtlety of Orown lawyers had impaired se fundamental a privilege." (Constit. Hist. of England; Ch. XIII.)

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